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DEPARTMENT FOR WHA/CEN, WHA/PDA and H

E.O. 12958: N/A

TAGS: [CS](#) [ETRD](#) [OPDC](#) [PGOV](#) [PREL](#)

SUBJECT: GOCR REJECTS COMPLAINT OF AMBASSADOR'S "INTERFERENCE" IN  
CAFTA CAMPAIGN

REF: 07 SAN JOSE 1820

¶1. (SBU) The Supreme Electoral Tribunal (TSE) and the Foreign Ministry have quietly closed the book on the complaint filed by anti-CAFTA union leaders in August 2007 alleging that Ambassador Langdale "interfered" in the CAFTA ratification referendum (reftel). The complaint was generated by the Ambassador's pre-referendum "listening tour" around Costa Rica, and also prompted a letter from Rep. Linda Sanchez (D-CA) to the Secretary.

¶2. (U) On September 10, 2007, the TSE effectively dismissed the matter by passing it to the MFA for action, suggesting in its ruling that the Ambassador had not violated any law or diplomatic norm. On November 14, the MFA concurred, reporting back to the TSE (in a letter that was not made public) that:

-- it was not the MFA's role (but the TSE's) to rule on election-related matters;

-- the entire complaint was a moot point, anyway, since the October 7 CAFTA referendum was over;

-- the TSE was correct in interpreting the law to permit the Ambassador to exercise his right to free speech, like any other resident in Costa Rica, and

-- the complaint was unfounded since it was filed at the beginning of the Ambassador's travels around Costa Rica and before the referendum and thus "presumed" the Ambassador's "interference" before the fact.

¶3. (SBU) During the Ambassador's farewell call on January 7, FonMin Bruno Stagno made a point of noting that the Ambassador had not violated any norms of diplomatic conduct. He seemed pleased to have the case closed.

¶4. (SBU) COMMENT: The complaint against the Ambassador, as TSE staff had privately hinted to us last August, went nowhere. The issue has generated absolutely zero media or political follow-up attention. The TSE and the MFA had to follow the proper procedure in exchanging letters, but along the way they actually built more arguments against the complaint filed by the CAFTA opponents. (We especially like the MFA's fourth point above about presumed interference before the fact. Once in a while finely-honed Tico legalism works in our favor.) Stagno's meeting with the Ambassador apparently shook free the November 14 response from the MFA, which we had been pursuing for weeks. We finally received a copy on January 10 (a

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